

helpful and courteous discussion conducted with their U.S. representative on May 13, 1987. In accordance with the remarks made during the discussion, Applicants now wish to further differentiate the present invention from the cited references.

In accordance with the present invention, acrylic acid derivatives are provided which are extremely effective against a broad spectrum of phytopathogenic fungi. The present fungicidal compounds are of particular interest in controlling a large number of fungi in various crops or their seeds, such as wheat, rye, barley, oats, rice, corn, cotton, soybeans, coffee, sugar cane, fruit and ornamentals in horticulture and even vegetables.

The present compounds can be applied as compounds or in compositions by spraying or dusting plants with the active ingredients or by treating the seeds of the plants with the active ingredients. The treatment may be effected by applying the compounds or compositions either before or after fungal infection.

Claims 1-5 stand rejected under 35 USC 102(a) or (f) as being anticipated by European Patent Application 178,826.

However, it is noted that the filing date of the present Japanese priority document is prior to the publication date of the European patent, i.e., December 20, 1985 and April 23, 1986, respectively.

Accordingly, pursuant to MPEP 201.15, Applicants enclose herewith (1) a certified copy of the priority document and (2) a certified English translation thereof.

Accordingly, in view of the above, it is believed that this ground of rejection is now unsustainable and should be withdrawn.

Additionally, enclosed herewith is an Information Disclosure Statement under 37 C.F.R. 1.98.

Accordingly, in view of all of the above amendments and attendant remarks, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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